

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Brian Walton,

Plaintiff,

Case No.: _____

v.

Medtronic USA, Inc.,

Defendant.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Medtronic USA, Inc. hereby removes this case from the District Court for the Fourth Judicial District, Hennepin County to the United States District Court for the District of Minnesota. The grounds for removal are as follows:

1. On December 20, 2021, Plaintiff Brian Walton served a Summons, Complaint, and Jury Demand. A copy of the Summons, Complaint, and Jury Demand are attached as **Exhibit 1**.

2. Defendant Medtronic USA, Inc. is a resident of Anoka County, Minnesota. The Complaint was served with a caption identifying the venue as the District Court for the Fourth Judicial District, Hennepin County.

3. This Court has original jurisdiction over the action under 28 U.S.C. § 1331 because Plaintiff asserts causes of action for violations of federal law, namely Section 510 of the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1001 *et seq.* This federal cause of action arises under the laws of the United States and the district courts have original jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331; *Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 378 (2012) (“[W]hen federal law

creates a private right of action and furnishes the substantive rules of decision, the claim arises under federal law, and district courts possess federal-question jurisdiction.”).

4. Under 28 U.S.C. § 1441 and principles of supplemental jurisdiction under 28 U.S.C. § 1367, if any portion of the action arises under federal law, the entire action may be removed to this Court.

5. This Notice is being filed within 30 days of the date on which the Summons and Complaint was first served and, therefore, is timely filed under 28 U.S.C. § 1446(b).

6. Promptly upon filing this Notice of Removal, Defendant will provide written and e-mail notice, pursuant to 28 U.S.C. § 1446(d), of the filing of this Notice of Removal to Plaintiff’s counsel at the address set forth in the Complaint: Clayton D. Halunen (halunen@halunenlaw.com), Blaine L.M. Balow (balow@halunenlaw.com), Colin J. Pasterski (pasterski@halunenlaw.com), 1650 IDS Center 80 South Eighth Street Minneapolis, MN 55402.

7. Additionally, Defendant will file a copy of this Notice of Removal with the Clerk of the Hennepin County District Court, Fourth Judicial District.

WHEREFORE, Defendant respectfully requests that the above-entitled action now commenced against it in Minnesota state court be removed to the United States District Court for the District of Minnesota.

Dated: January 10, 2022

/s/ Marko J. Mrkonich

Marko J. Mrkonich, Bar No. 125660

mmrkonich@littler.com

Claire B. Deason, Bar No. 0390570

cdeason@littler.com

Daniel A. Bihrlé, Bar No. 0401570

dbihrlé@littler.com

LITTLER MENDELSON, P.C.

1300 IDS Center

80 South 8th Street

Minneapolis, MN 55402.2136

Telephone: 612.630.1000

Facsimile: 612.630.9626

Attorneys for Defendant Medtronic USA,
Inc.